

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 265 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 264 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 105 carefully examined and compared, and find same correctly enrolled, and have this day at 2:40 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 394 carefully examined and compared, and find same correctly enrolled, and have this day at 2:40 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 392 carefully examined and compared, and find same correctly enrolled, and have this day at 2:40 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 104 carefully examined and compared, and find same correctly enrolled, and have this day at 2:40 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 141 carefully examined and compared, and find same correctly enrolled, and have this day at 2:40 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 88 carefully examined and compared, and find same correctly enrolled, and have this day at 2:40 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 38 carefully examined and compared, and find same correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, March 3, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following senators answering to their names: .

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Prayer by Dr. Owers of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

H. B. No. 101—Free Conference Committee On.

Senator Witt moved that the Senate grant the request of the House for a Free Conference Committee on H. B. No. 101.

The motion was adopted, and the Chair appointed the following as members of the committee on part of the Senate: Senators Bowers, Price, Witt, Reid and Wirtz.

Bills and Resolutions.

By Senator Floyd:

S. B. No. 413, A bill to be entitled "An Act to fix the terms of court for the Sixth Judicial District in Fannin and Lamar Counties, repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Floyd:

S. B. No. 414, A bill to be entitled "An Act creating the Ben Franklin Independent School District in Delta County, Texas; confining its boundaries; providing for a board of trustees for said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof, including petition to extend its boundaries; providing that all bonds heretofore voted in said district shall remain in full force and effect against said district which voted the same; providing for the assumption of said bonds by said district; providing for payment of its proportion of the bonded indebtedness of any common school district of which the land herein described is a part; providing for appointment of tax collector and assessor and a board of equalization; providing for a depository, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Fairchild:

S. B. No. 415, A bill to be entitled "An Act to amend Chapter 117 of the General Laws of the Regular Session of the Thirty-eighth Legislature so as to make proper disposition of intox-

icating liquor seized and authorized to be destroyed by court order, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Fairchild:

S. B. No. 416, A bill to be entitled "An Act creating the Huntington Independent School District, in Angelina County, including within the bounds of said district the present Huntington Independent School District, defining the boundaries of said district, validating certain schoolhouse bonds authorized and issued by the present Huntington Independent School District, providing that said bonds when issued shall be the obligations of the Huntington Independent School District created by this Act, providing that the trustees of the present Huntington Independent School District shall continue to serve as trustees of the district created by this Act until the next general election held in said district for the purpose of electing school trustees, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 417, A bill to be entitled "An Act to aid in protection of the property and lives of the citizens of Cameron and Willacy Counties, from further disastrous and calamitous overflows and conserving and increasing the State revenues derived from said counties by granting and donating to Cameron County, for a term of twenty-five years, or so much thereof as may be necessary, a portion of the State ad valorem taxes levied and collected on property subject to taxation in said county, to be used in part payment of interest and sinking fund of bonds to be issued by said county to provide for the construction of the necessary breakwaters, levees, dikes, floodways and drainways to protect Cameron and Willacy Counties from such overflows, and providing for the administration of this Act."

Read first time and referred to Committee on State Affairs.

By Senator Lewis:

S. B. No. 418, A bill to be entitled "An Act to amend Section 1, of Chapter 49 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Regular Session in 1919, same being a special road law for Grimes County, by repealing said Sec-

tion 1 and substituting therefor the following, to permit the issuance of bonds by Grimes County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Witt:

S. B. No. 419, A bill to be entitled "An Act to amend Article 3681 of the Revised Civil Statutes of the State of Texas, relating to the taking of the depositions of parties to civil suits, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Lewis, by request:

S. B. No. 420, A bill to be entitled "An Act to create the Willis Independent School District in Montgomery County, Texas, defining its boundaries; providing for the election of trustees; providing for the retention in office of the present board of trustees of the Willis Independent School District; providing for the abolition of all other boards of trustees of any school district included within the district hereby created; providing for the raising of revenue, issuing bonds and maintaining public free schools; providing for means of transportation of the school children in said district; validating all issues of bonds heretofore voted and made; declaring valid and continuing in force all maintenance taxes heretofore voted and levied; providing for an election to determine (1) whether the entire district herein created as a whole shall assume all outstanding bonded indebtedness, and (2) whether all property within the Willis Independent School District as created by this Act shall be subject to all special school taxes heretofore voted and levied by the Willis Independent School District; repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Woodward:

S. B. No. 421, A bill to be entitled "An Act to amend Section 7, Chapter 87, H. B. No. 428, Special Act of the Thirty-fourth Legislature approved and made a law on March 23, 1915, incorporating Comanche Independent School District in Comanche County,

Texas, so that it shall be the duty of the board of trustees of said district to order an election to determine whether there shall be levied, assessed and collected upon all taxable property within said district a tax not to exceed the rate of one dollar and fifty cents on the one hundred dollar valuation of such property in such district for the purpose of supplementing State school funds apportioned to said district, in lieu of the tax rate of fifty cents, for said purpose, on the one hundred dollar valuation as provided in Section 7 of said Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Woodward:

S. B. No. 422, A bill to be entitled "An Act to amend Article 476 of the Penal Code of the State of Texas, as amended by the Acts of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, providing what persons are exempt from the provisions of the law prohibiting the unlawful carrying of weapons, and defining the term 'peace officer.'"

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Ward:

S. B. No. 423, A bill to be entitled "An Act to amend Article 3903 of the Revised Civil Statutes of the State of Texas, for 1911, as amended by the Thirty-third Legislature at its Regular Session, Chapter 121 and Chapter 142 of the General Laws, as amended by Chapter 55 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and as amended by Chapter 32 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 96 of the General Laws of the Regular Session of the Thirty-seventh Legislature, authorizing county attorneys and district attorneys in counties having a population in excess of one hundred thousand inhabitants, where there is also a district attorney, to appoint deputies, or assistants, by adding Section 3903a, providing that counties composing one judicial district, and the population being between thirty-seven thousand five hundred, and one hundred thousand, and the county attorney performs the duties of county attorney and the district attorney."

Read first time and referred to Committee on State Affairs.

By Senator Reid:

S. B. No. 424, A bill to be entitled "An Act to amend Section 1 of Chapter 18, Special Laws of the Thirty-eighth Legislature, Third Called Session, the same being entitled 'An Act to amend Section 1, of the H. B. No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in Roberts County, adding additional territory thereto, and exempting same from present outstanding bonded indebtedness of said Miami Independent School District, continuing the present trustees in office, validating levies of taxes heretofore made, and declaring an emergency,' so that the said section shall hereafter read as herein set out, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Morning call concluded.

Senate Bill No. 314.

S. B. No. 106 was the special order for this hour, and,

Senator Ward asked unanimous consent to take up, out of its order, S. B. No. 314. There was no objection.

The Chair laid before the Senate, on second reading,

S. B. No. 314, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4 and 5, of Chapter 41, General Laws passed at the Regular Session of the Thirty-seventh Legislature, so as to more clearly provide for the creation of the road districts therein authorized, and for the consolidation of road district, and for the exclusion from road districts, if desired, of territory covered by other districts created under Section 52, Article 3, of the Constitution; providing a method of procedure in the creation of such districts, and validating districts heretofore created under the Act hereby amended and all bonds voted by such district, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 314 put on its third reading and final passage, by the following vote:

Yeas—29.

Berkeley.	Parnell.
Bledsoe.	Parr.
Bowers.	Pollard.
Davis.	Price.
Fairchild.	Real.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.

Absent.

Bailey.	Russek.
Reid.	

S. B. No. 314 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—29.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Wirtz.
Miller.	Witt.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.
Murphy.	

Absent.

Reid.	Russek.
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Senate Bill No. 106.

The Chair laid before the Senate, on second reading, and special order,

S. B. No. 106, A bill to be entitled "An Act regulating the manufacture, distribution, sale, prescription and furnishing of intoxicating liquor in this State; regulating the handling and traffic in intoxicating liquor for medicinal purposes; regulating prescriptions of intoxicating liquor by physicians and the sale or furnishing of intoxicating liquor by druggists, pharmacists and drug stores; prescribing the necessary regulations, requirements and penalties to carry out such purpose; providing for the keeping of the necessary information and records and the filing of same with public officers and agents to facilitate

the enforcement of the liquor laws; amending Chapter 78, General Laws, Second Called Session of the Thirty-sixth Legislature, and declaring an emergency."

There was a pending amendment to the bill by Senator Price, printed in the Journal of the 24th instant, and is not reprinted here.

Senator Price offered the following amendment to the pending amendment, which was read and adopted:

Amend Section 47 of the amendment printed on Page 660 of the Journal by substituting therefor the following section:

Section 47. The sale or furnishing of intoxicating liquor upon physicians prescription shall be unlawful except by a druggist holding a permit from the Comptroller. Such permit shall be issued only to retail druggists who are registered pharmacists in this State or who employ in their drug stores a registered pharmacist, which druggist shall have filed with the Comptroller of this State a certificate signed by the county judge of the county of such druggists' residence certifying to the good moral character of such druggist. A druggist operating more than one drug store may be granted a permit for each such stores, provided, however, that he employs at each drug store a registered pharmacist.

Senator Price offered the following amendment to the pending amendment, which was read and adopted:

Amend Section 50 of the amendment printed on page 660 of the Journal by substituting therefor the following:

Section 50. It shall be unlawful to manufacture or sell any intoxicating liquor for medicinal purposes without a permit from the State Comptroller of Public Accounts, which permit may be issued at the discretion of the Comptroller of any person who, in the opinion of the Comptroller, according to his best information will comply in all respects with the law, provided, that no permit shall be issued unless the application is accompanied by a certificate of a district judge of the district in which the applicant resides, stating that, in his opinion the applicant is a law abiding citizen; that, in his opinion, the permit is sought for legal purposes. Under such permit issued to manufacture intoxicating liquor the holder of such permit shall not manufacture intoxicating liquor except for sale to druggists or to wholesale druggists for sale to

druggists, which druggists or wholesale druggists hold permits from the Comptroller to sell intoxicating liquor for medicinal purposes. Under such permit to sell intoxicating liquor other than on prescription the holder of such permit shall not sell intoxicating liquor except to druggists holding a permit from the Comptroller to sell intoxicating liquor on prescription for medicinal purposes. It being the purpose of this Act to confine the furnishing and procuring of intoxicating liquor for medicinal purposes to cases of actual need to be furnished in accordance with law pursuant to physician's prescription, in keeping with the Constitution which preserved in the State the general police power over intoxicating liquors and declares that the Legislature shall have the power to pass any additional prohibitory laws, or laws in aid thereof, which it may deem advisable.

Senator Wood offered the following amendment to the pending amendment as amended:

Amend Section 50 of amendment to S. B. No. 106, by adding thereto, the following:

Provided, that this section shall not apply to manufacturers, or wholesale druggists, regularly engaged in the business of manufacturing or selling intoxicating liquors for authorized purposes to persons who have permits to purchase same, and who are required under existing provisions of law, to procure from the Comptroller permits to so manufacture or sell the same; but nothing herein shall be construed to repeal any other provisions of law regulating or controlling such manufacturers or wholesale druggists in the manufacture or sale of intoxicating liquors for purposes permitted by law.

Senator Price moved to table the amendment, which motion to table was lost, by the following vote:

Yeas—14.

Bledsoe.	Reid.
Lewis.	Smith.
Moore of Hunt.	Strong.
Moore of Cooke.	Stuart.
Parnell.	Triplett.
Pollard.	Ward.
Price.	Woodward.

Nays—15.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bowers.	Hardin of Erath.
Davis.	Hardin of Kaufman.

Miller. Wirtz.
Murphy. Witt.
Parr. Wood.
Real.

Absent.

Holbrook. Russek.

Action recurred on the amendment and the same was lost, by the following vote:

Yeas—14.

Bailey. Murphy.
Berkeley. Parr.
Fairchild. Real.
Hardin of Erath. Russek.
Hardin of Kaufman. Wirtz.
Holbrook. Witt.
Miller. Wood.

Nays—17.

Bledsoe. Price.
Bowers. Reid.
Davis. Smith.
Floyd. Strong.
Lewis. Stuart.
Moore of Hunt. Triplett.
Moore of Cooke. Ward.
Parnell. Woodward.
Pollard.

Senator Wirtz offered the following amendment to the pending amendment, as amended:

Amend the pending amendment to S. B. No. 106, by striking out all of Section 44.

Senator Price moved to table the amendment, which motion to table was lost, by the following vote:

Yeas—14.

Bledsoe. Price.
Bowers. Reid.
Lewis. Smith.
Moore of Hunt. Strong.
Moore of Cooke. Stuart.
Parnell. Wood.
Pollard. Woodward.

Nays—15.

Bailey. Murphy.
Berkeley. Parr.
Davis. Real.
Fairchild. Russek.
Floyd. Ward.
Hardin of Erath. Wirtz.
Hardin of Kaufman. Witt.
Holbrook.

Absent.

Miller. Triplett.

The amendment was then lost, by the following vote:

Yeas—14.

Berkeley. Murphy.
Bledsoe. Parr.
Davis. Real.
Fairchild. Russek.
Hardin of Erath. Ward.
Hardin of Kaufman. Wirtz.
Holbrook. Witt.

Nays—15.

Bailey. Price.
Bowers. Reid.
Floyd. Smith.
Lewis. Strong.
Moore of Hunt. Stuart.
Moore of Cooke. Wood.
Parnell. Woodward.
Pollard.

Absent.

Miller. Triplett.

Senator Wirtz offered the following amendment:

Amend the pending amendment to S. B. No. 106, by striking out Section 45, page 659 of the Journal, the following:

"He shall also file with the clerk of the district court in the county of his residence a true copy each of the application and prescription within ten days after the delivery of the prescription accompanied by a sworn statement that he personally examined the patient immediately prior to the time of the delivery of the prescription and believed the intoxicating liquor prescribed to be necessary for the preservation for the life or death of the patient."

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. C. R. No. 24, relating to unexpended balance of W. P. Lane.

H. B. No. 97, A bill to be entitled "An Act to appropriate two million dollars (\$2,000,000) out of the general funds of the State to aid all the public schools for the scholastic year beginning September 1, 1925, and ending August 31, 1926, and two million dollars (\$2,000,000) out of the general funds of the State to aid all the public schools for the scholastic year beginning September

1, 1926, and ending August 31, 1927, the same to be distributed as the available school fund is now distributed, and create an emergency."

S. B. No. 21, A bill to be entitled "An Act adding to Chapter 17, of Harris County Road Law, passed by the Regular Session of the Thirty-third Legislature of the State of Texas, a new section, to be known as Section 5a, authorizing the commissioners' court of Harris County, Texas, for the purpose of properly laying out all roads and superintending their maintenance, to purchase automobiles for the use of commissioners when acting as road supervisors, under appropriate regulations of said court, and providing for reports thereon to the auditor, and limiting the amount to be expended therefor, and providing for the marking of said cars and a penalty for failure to mark, and declaring an emergency."

S. B. No. 215, A bill to be entitled "An Act to create the Anton Independent School District in Hockley and Lamb Counties, Texas, including therein a part of Common School District No. 2, in Hockley County, Texas, and a part of the Littlefield Independent School District in Lamb County, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; vesting said independent school district with all of the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; declaring that all taxes and bonds heretofore authorized by any former district or districts, part or parts of which are included in the Anton Independent School District shall remain in full force and effect, and for the payment of the pro rata part thereof, or the pro rata parts thereof; repealing all laws or parts of laws in conflict herewith in so far as they may relate to it; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision thereof, and declaring an emergency."

S. B. No. 242, A bill to be entitled "An Act creating the Vega Independent School District in Oldham County, Texas; providing for a board of trustees in said independent school district and conferring on said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed

by the General Laws of the State upon independent school districts and the board of trustees thereof; to provide for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools; declaring valid an issue of bonds heretofore made; declaring valid a maintenance tax heretofore voted, and declaring an emergency."

S. B. No. 243, A bill to be entitled "An Act creating the Wildorado Independent School District in Oldham County, Texas; providing for a board of trustees in said independent school district and conferring on said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof; to provide for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools; declaring valid an issue of bonds heretofore made; declaring valid a maintenance tax heretofore voted, and declaring an emergency."

S. B. No. 257, A bill to be entitled "An Act creating the Roby Independent School District in Fisher County, Texas; setting forth the metes and bounds of such district; providing a board of trustees therefor, and defining their powers; vesting such district with the rights, powers and duties of districts incorporated for free school purposes only under the General Laws of the State of Texas; providing for an election to assume the outstanding bonds of the present Roby Independent School District; providing for the authority to change the boundary lines of such district, and declaring an emergency."

S. B. No. 258, A bill to be entitled "An Act to create the Anson Independent School District, incorporated under the General Laws; providing a board of trustees therefor; vesting said Anson Independent School District board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for the validation of all contracts, bonds or other valid indebtedness and tax levies of the present Anson Independent School District, as the subsisting obligations and acts created

by this Act; providing for an election to determine as to the assumption of outstanding bonded indebtedness of territory hereby incorporated, as herein set out, and declaring an emergency."

S. B. No. 273, A bill to be entitled "An Act creating the Tavener Independent School District of Fort Bend County, Texas; defining its boundaries; providing for a board of trustees in said independent district and conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees; for the raising of revenues; issuing bonds, building and maintaining of schoolhouses, maintaining public free school; declaring valid the maintenance tax heretofore voted and bonds issued by said district, providing for the collection of the present maintenance tax levy; vesting the title to all moneys and property of Tavener Common School District No. 29 in the Tavener Independent School District, providing for the assessment and collection of taxes in said district and creating an emergency."

S. B. No. 299, A bill to be entitled "An Act creating and establishing the El Sauz Independent School District in Willacy County, Texas, defining its boundaries, providing for the election and qualification of trustees thereof, and vesting said district with the rights, powers, duties, and privileges of districts incorporated under the General Laws for free school purposes, and declaring an emergency."

S. B. No. 300, A bill to be entitled "An Act creating and establishing the Santa Gertrudis Independent School District in Kleberg County, Texas, defining its boundaries, providing for the election and qualification of trustees thereof, and vesting said district with the rights, powers, duties and privileges of districts incorporated under the General Law for free school purposes, and declaring an emergency."

S. B. No. 317, A bill to be entitled "An Act creating and establishing the Laureles Independent School District in Kleberg County, Texas, defining its boundaries, providing for the election and qualification of trustees thereof, and vesting said district with the rights, powers, du-

ties and privileges of districts incorporated under the General Laws for free school purposes, and declaring an emergency."

S. B. No. 361, A bill to be entitled "An Act to permit the catching of sucker, buffalo, carp and shad during the months of July, August and September in the counties of Burnet and Williamson; prescribing a penalty, and declaring an emergency."

With amendments.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

House Bills on First Readings.

The following House Bill was laid before the Senate, read first time and referred to appropriate committee.

H. B. No. 97, referred to Committee on Finance.

H. B. No. 89 Recommitted.

Senator Bailey moved that H. B. No. 89 be recommitted to Committee on Civil Jurisprudence.

The motion was adopted.

S. B. No. 361—House Amendments Concurred In.

Senator Wood called up S. B. No. 361 and moved that the Senate concur in the House amendments.

The motion to concur was adopted.

Conference Committee Report on Senate Bill No. 3.

Senator Wood offered the following, which was read and laid on the table:

Committee Room,

Austin, Texas, Feb. 27, 1925.

Hon. Barry Miller, President of the Senate.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on,

S. B. No. 3, A bill to be entitled "An Act declaring all wild animals, wild birds and wild fowl to be the property of the people of this State; to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses, and prescribing penalties for the violations thereof, providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commission-

ers; prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

Beg leave to report that we have had said bill under consideration and that we have adjusted the differences between the House of Representatives and the Senate on said bill and wish to recommend the passage of a substitute bill, which substitute bill is as follows, to-wit:

A BILL
To Be Entitled

AN Act declaring all wild animals, wild birds and wild fowl to be the property of the people of this State; to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses, and prescribing penalties for the violations thereof, providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws, and all laws, general and special in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All wild animals, wild birds, and wild fowl within the borders of this State are hereby declared to be the property of the people of this State.

Sec. 2. Wild turkey, wild ducks of all varieties, wild geese of all varieties, wild brant, wild grouse, wild prairie chickens or pinnated grouse, wild pheasants of all varieties, wild partridges and wild quail of all varieties, wild pigeons of all varieties, wild mourning doves and wild white winged doves, wild snipe of all varieties, wild shorebirds of all varieties, wild Mexican pheasants or chachlacas, and wild plover of all varieties, are hereby declared to be game birds within the meaning of this Act.

Sec. 3. Wild deer, wild elk, wild antelope, wild rocky mountain sheep, wild black bear, and wild gray and red squirrels, cat squirrels or fox

squirrels, are hereby declared to be game animals within the meaning of this Act.

Sec. 4. The term "Closed Season" shall, for the purpose of enforcement of the game laws of this State mean the period of time during which it is unlawful to hunt, kill, attempt to kill, or take any of the game animals, wild fowl, or birds enumerated in this Act; and the term "Open Season" shall mean the period of time in which it is lawful to hunt, kill, or take certain game animals, wild fowl, and game birds set forth in this Act.

Sec. 5. In order to divide the State for the purpose of better regulating the open and closed seasons for the hunting of the wild game birds and wild game animals of this State, a line following the center of the main track of the International and Great Northern Railroad beginning at Laredo and running thence to San Antonio, thence to Austin, thence to Longview, and thence following the center of the main track of the Texas and Pacific Railroad to Texarkana, shall constitute a division of the North and South Hunting Zones of this State. All that portion of the State lying northwesterly of said line shall be known as the North Zone, and all that portion of the State lying southeasterly of said line shall be known as the South Zone.

Sec. 6. There shall be an open season, or period of time when it shall be lawful to hunt, take, or kill such of the game animals and game birds as are named in this section, as follows:

Wild mourning doves, in the South Zone, during the months of November and December of each year; in the North Zone, during the month of September and October of each year.

Wild white-winged doves, in both the North and South Zones, during the months of August and September..

Wild quail of all kinds, and wild Mexican pheasants or chachalaca in the North Zone, November 16 to the following January 1, both days, inclusive; in the South Zone, December 1 to the following January 1, both days, inclusive.

Wild turkey gobblers, in both the North and South Zones, November 16th to the following December 31st, both days inclusive.

Wild quail (other than coot and gallinules), wild black-bellied plover and wild golden plover, and yellow-

legs, the months of September and October of each year, in both the North and South Zones.

Wild ducks of all kinds (except wild wood ducks), wild geese, wild brant, wild snipe of all kinds, wild gallinules and wild coot or mud hen, in the North Zone, October 16th to the following January 31st, both days inclusive; in the South Zone, November 1st to the following January 31st, both days inclusive.

Wild prairie chicken or pinnated grouse, in both the North and South Zones, September 1st to September 10th, of each year, both days inclusive.

Wild buck deer, wild bear, in both the North and South Zones, November 16th to December 31st, each year, both days inclusive.

Wild red or fox squirrels and wild gray squirrel, in both the North and South Zones, the months of May, June and July, and in the months of October, November, and December of each year. Provided, however, that nothing in this Act shall prevent the keeping of squirrels in cages as domestic pets; and provided further, that it shall not be unlawful to kill squirrels in the following named counties at any time, to-wit: DeWitt, Caldwell, Guadalupe, San Saba, Mason, Gillespie, Llano, Kimble, Menard, Comal, McCulloch, Brown, Kerr, Burnett, Mills, Schleicher and Edwards.

Sec. 7. It shall be unlawful to take, kill, or possess any birds or animals in greater number than the daily, weekly or seasonal bag-limit or number of such game birds and game animals permitted to be killed or taken, such bag-limits to be as follows:

Wild mourning doves and wild white-winged doves, fifteen in any one day, and not more than forty-five in any one week of seven days.

Wild quail of all kinds, and wild Mexican pheasant or chachalaca, twelve in any one day, and not more than thirty-six in any one week of seven days, and all kinds and varieties of these shall be considered in making up the limit of twelve.

Wild turkey gobblers, three during the open season of any one year, as herein provided.

Wild geese and brant of all kinds, four in any one day, and not more than twelve in any one week of seven days.

Wild ducks of all kinds, wild snipe of all kinds, wild black-bellied

plover, wild yellow-legs, wild gallinule or Indian hen, and wild coot or mud hen, twenty-five in any one day, and not more than fifty in any one week of seven days, provided, that all kinds and varieties of game birds mentioned in this section shall be considered in making up the daily limit of twenty-five or weekly bag-limit of fifty.

Wild prairie chicken or pinnated grouse, five in any one day, and not to exceed ten in the open season of any one year.

Wild buck deer, two during the open season of any one year, as provided in this Act.

Wild bear, one during the open season of any one year, as provided in this Act.

Wild squirrel, ten in any one day.

Any person killing or taking more than the daily weekly or seasonal bag-limits as set forth in this section; or any person killing, taking, hunting, wounding, or shooting at any game bird or game animal at any other time of the year, except during the open season as provided for in this Act; or any person killing, taking, capturing, wounding or shooting at any game bird or game animal for which no open season is provided by this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars; and each game bird or game animal unlawfully taken shall constitute a separate offense.

Sec. 8. It shall be unlawful for any person in this State to kill, catch, wound, take, shoot at, or have in possession, living or dead, any wild bird other than a game bird. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than ten (\$10.00) dollars, nor more than two hundred (\$200.00) dollars.

Provided, however, that English sparrows, crows, ravens, vultures or buzzards, "rice-birds" identified as harmful, blackbirds, pelicans, road-runners, and the goshawk, the Cooper hawk or blue darter, the sharp-skinned hawk, the duck hawk, jay birds, sap suckers, woodpeckers, butcher birds or shrike, and the great horned owl are not included among the birds protected by this

section; and provided, further, that nothing in this section shall prevent the purchase and sale of canaries and parrots, or the keeping of same in cages as domestic pets.

Sec. 9. It shall be unlawful for any person to sell or offer for sale, or to buy or offer to buy, or to have in possession for sale, or to have in possession after purchase has been made (either by himself or by another), any wild bird, wild fowl, wild game bird, or wild game animal, dead or alive, or any part thereof, protected by this Act, except as hereinafter provided. This section, and all other sections in this Act, shall apply to any bird or animal coming from without this State; and in prosecutions for violations of this Act it shall be no defense that such bird or animal was not taken or killed within this State.

It shall further be unlawful to bring into this State, for any purpose whatever, during the closed season or time when it is unlawful to possess such bird or animal, either alive or dead, any kind of bird or animal protected by this Act, except as hereinafter provided.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars; and the bringing in of each separate bird or animal protected by this Act in violation of this section shall constitute a separate offense. Provided, that any person who shall buy any game bird or game animal, the sale of which is prohibited by this Act, for the purpose of establishing testimony, shall not be prosecuted for such purposes, and a conviction may be had upon the uncorroborated testimony of such purchaser.

Sec. 10. It shall be unlawful for any person to take, kill, wound shoot at, hunt or possess, dead or alive, any wild female deer, wild fawn deer or any wild buck deer without a pronged horn, or to possess any deer carcass or green deer hide with all evidence of sex removed.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars.

Sec. 11. It shall be unlawful for any person to take, kill, wound, shoot at, hunt or possess, dead or alive, any wild turkey hen at any season of the year except as hereinafter provided.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

Sec. 12. It shall be unlawful for any person to have in possession at any one time more than forty-five wild doves, or thirty-six wild quail, or thirty-six wild Mexican pheasants or chachalacas; or to have in possession at any one time more than fifty waterfowl, shorebirds, and other game birds, all kinds and varieties being considered in making up the one total of fifty; provided, that the provisions of this section shall not apply to transportation companies which have in their possession, for the purpose of transportation, such wild birds, where the provisions of this Act with reference to shipment of game have been complied with; nor shall the provisions of this Act apply to owners, agents, managers or receivers of cold storage plants which receive wild game for storage; provided, however, that it shall be unlawful for the owner, agent, manager or receiver of such cold storage plant to receive or have in possession at any one time for himself or any one person more than the limits of the wild game birds as provided in this section.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars. The possession of each bird or fowl over the number designated herein, shall be deemed a separate offense.

Sec. 13. The possession of any wild game bird, wild game fowl, or wild game animal mentioned in this Act, whether dead or alive, during the time when killing or taking is prohibited shall be prima facie evidence of the guilt of the person in possession during the time when killing or taking is prevented by law.

Provided, however, that it shall not be unlawful to ship or bring any wild game birds, wild fowl, or wild

game animals from the Republic of Mexico into this State at any season. Provided, that the party bringing the same into this State shall procure from the Game, Fish and Oyster Commissioner, or from one of his deputies, a permit to bring same into the State, and shall procure from the United States custom officer at the port of entry a statement showing that such game was brought from the Republic of Mexico; and provided, further, that such party comply with the provisions of this Act regulating the shipment and sale of such wild game birds, wild fowls, or game animals.

Sec. 14. It shall be unlawful for any person to hunt, kill, or take, or to have in possession, within a period of five years from the passage of this Act, any wild woodcock, wild wood duck, wild sandhill crane, or whooping crane, wild inca and ground dove, or wild pheasant, except as hereinafter provided. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, and each bird killed or possessed in violation of this section shall constitute a separate offense.

Sec. 15. It shall be unlawful to kill, hunt or shoot at any wild bird, wild game bird, wild fowl, or wild game animal protected by this Act at any season of the year, between one-half hour after sunset and one-half hour before sunrise in any county in this State. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, and each bird or animal killed shall constitute a separate offense.

Sec. 16. It shall be unlawful for any person to destroy or take the nest, eggs, or young of any wild game bird, wild bird, or wild fowl, protected by this Act, except as provided herein. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

Sec. 17. It shall be unlawful to hunt, kill, or take any wild duck,

shall be granted, the commissioner goose, or brant, by any means other than the ordinary gun, not to exceed ten gauge, capable of being held to and shot from the shoulder. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, and each bird or fowl taken or killed in violation of this section shall constitute a separate offense.

Sec. 18. Whenever any wild birds, wild fowl, or wild animals are destroying crops or domestic animals, the Game, Fish and Oyster Commissioner is hereby authorized to permit the killing of such wild birds or wild animals, without regard to the open or closed season; bag-limit, or night shooting; but, before such permission aforesaid, shall be furnished with a statement of facts, sworn to by persons whose property is being injured, with the endorsement of the county judge of the county in which the crops are being destroyed or domestic animals being injured or killed, to the effect that the sworn statement is true, and that such crops or domestic animals can only be preserved by the granting of such permit. Such permit when issued shall distinctly state the time for which it is granted, the area which it covers, and a designation of the person or persons permitted to kill the noxious birds and animals named in such permit.

Such permit shall not authorize the killing of migratory birds protected by the Federal Migratory Bird Treaty Act, unless the applicant shall first procure a permit from the United States Department of Agriculture, in compliance with the regulations of such Migratory Bird Treaty Act.

Sec. 19. All game birds, wild fowl, and game animals, named in this Act, killed during the open season prescribed therefor, may be possessed during and for an additional ten days after such season is closed. But it shall be unlawful, after such ten days, to place in storage or keep in storage any wild birds, or wild game animals, or parts thereof, named in this Act. Any person owning or claiming such birds, fowl, or animals, or parts thereof, after such ten days, or any person storing such birds, fowl, or animals, or parts thereof, for such claimant or owner, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any

sum of not less than ten (\$10.00) dollars, nor more than one hundred (100.00) dollars, and each bird, fowl or animal, or part thereof, stored in violation of this section shall constitute a separate offense.

Sec. 20. All wild birds, wild fowl, or wild game animals, or parts thereof, which have been killed, taken in any way, shipped, held in storage, or found in a public eating place, contrary to the provisions of this Act, shall be disposed of by order of the Game, Fish and Oyster Commissioner, or one of his deputies, by donating same to charitable institutions, hospitals, or needy widows and orphans.

If such birds, fowl or animals mentioned in this section are required to be placed in cold storage, the expense of such storage shall, upon his conviction, be placed in a bill of cost against the defendant or person from whom they were taken.

The Game, Fish and Oyster Commissioner, or one of his deputies, when he has reason to suspect that the game-bag or automobile, or other receptacle, or vehicle, in the possession of or belonging to any person or persons, may contain game unlawfully killed, shall have the power, when search without such warrant is refused, to detain such person or persons until a search warrant may be obtained.

Sec. 21. Provided, nothing in this Act shall prevent the capture, by any means and at any time, day or night, of wild birds or wild fowl and their nests and eggs, or of wild animals or wild quadrupeds, for zoological gardens or parks, or for propagation purposes, or for scientific purposes; but, before any birds, fowl, animals, quadrupeds, nests, or eggs are taken or molested for the aforesaid purposes, permission must be secured from the Game, Fish and Oyster Commissioner, only, by the person desiring so to operate, such person shall make application in the form of a affidavit, in duplicate, setting forth what birds, fowl, animals, quadrupeds, nests, or eggs he desires and the purposes for which he desires the same; and if such request is for the collection of skins, nests, or eggs, for scientific purposes, such application should be accompanied by certificates from two well known ornithologists (where the specimens are birds or their nests or eggs) or mammalogists (where the specimens are animals or quadrupeds) resi-

dents of the United States, stating that the applicant is a fit person to be entrusted with such a permit and that they have known him for at least five years past, and the applicant should further be supplied with a federal scientific collecting permit issued by the Bureau of Biological Survey of the United States Department of Agriculture, permitting him or her to collect migratory birds, and the serial number and date of said federal permit should be furnished by the applicant on said affidavit, where request is made for the collecting of birds and their nests or eggs. Such scientific collecting permit as issued by the State of Texas will authorize the holder thereof to take, possess, and transport, in any manner and at any time, birds and their nests and eggs, for scientific purposes; provided, that before migratory birds, or their nests or eggs, are taken the federal permit indicated above must be obtained. Such scientific permit shall be issued for the fiscal year and shall be null and void after midnight of December 31 of the year issued.

If any person desires to bring into the State any wild birds or wild animals, dead or alive, or the nests or eggs of any bird, he shall apply to the Game, Fish and Oyster Commissioner, for permission to do so, attaching to such application an affidavit setting forth the number and species of birds or animals, or the nests or eggs of birds, desired to be introduced.

The Game, Fish and Oyster Commissioner may refuse to issue permits for any of the purposes set forth in this section if, in his judgment, such application, or party making same, is not satisfactory.

The Game, Fish and Oyster Commissioner is empowered to prescribe rules and regulations governing the propagation of game birds and animals, and the taking of birds and animals for scientific purposes, and is authorized to cancel any permit issued, when, in his judgment, the holder thereof fails or refuses to comply with such rules and regulations.

The shipment of skins of protected animals, or the skins or nests or eggs of birds, each package shall have clearly and conspicuously marked, on the outside thereof, the name and address of the sender, the number of the sender's permit, and the statement that it contains specimens of animals, or of birds or their nests or eggs for scientific purposes. A person operat-

ing under, or holding a permit for scientific collecting shall report, on or before January 10, following the expiration of his permit, to the Game, Fish and Oyster Commissioner, the number of skins, nests or eggs of each species collected, or transported, together with the disposition of all such specimens not in his possession at the time of making said report, and also a statement covering any scientific data observed during his field collecting that, in his judgment, would be of interest to the ornithological or zoological public.

The Game, Fish and Oyster Commissioner shall, at all times have the power to take in any manner, keep, and transport, anywhere within the State, any of the wild birds or their nests or eggs, or any wild animals, for investigation, propagation, distribution, or scientific purposes.

Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars; and each bird, fowl, animal, quadruped, nest, or egg, taken or possessed in violation of this section shall constitute a separate offense.

Sec. 22. Any person shall have the right to ship or carry to and from a taxidermist or tannery, for mounting or preserving purposes or to his home, any specimens or parts of specimens of the wild birds or wild animals of this State, where same have been lawfully taken or killed by such person, and when such specimens or parts of specimens are not for sale, but before making shipment, as herein provided, such person shall first make the following affidavit in writing before some officer authorized to administer oaths, and deliver same to the common carrier transporting the same, or its agent:

State of Texas)
County of _____)

Before me, the undersigned authority, on this day personally appeared _____, who, after being duly sworn, upon oath says: I live at _____, in the County of _____, State of _____; that I have personally killed _____, which I desire to ship from _____ to _____ County, to _____, State of _____, which I have lawfully

killed for my own use and not for sale, and which shall not be bartered or sold; that I have not killed during the present hunting season more than the bag-limit, as provided by law, of any of the wild game birds, wild fowl, or wild animals.

Signature _____

Sworn to and subscribed before me this _____ day of _____, A. D. 192—.

Office held _____

The affidavit thus prepared by the affiant shall be attached to the shipment, and shall not be removed during the period of transportation. If such game is carried by the person killing same, it shall not be necessary to attach the affidavit herein set forth.

Any person who ships any game from any place within this State without making the foregoing affidavit; or any agent of any express company or other common carrier who receives any shipment without it being accompanied by such affidavit and list attached; or any auditor or conductor or other person in charge of any railroad train, who knowingly permits any person to carry any wild birds, wild fowl or wild animals without such affidavit being made, as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

All express agents, conductors, and auditors of trains, captains of boats, and the Game, Fish and Oyster Commissioner and his deputies are hereby empowered to administer oaths necessary to the shipment of game, and for administering such oaths they are hereby authorized to collect the sum of twenty-five (25c) cents from the person making such oath.

Sec. 23. It shall be unlawful for any person to hire or employ any other person, or to be hired or employed by any other person, by the payment, or by the promise of payment, of money or any other thing of value, to hunt any bird, wild fowl, or game animal protected by this Act. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars. Provided, that if any person who has

received money, or a promise of money or other thing of value, to hunt any wild bird, wild fowl, or game animal protected and mentioned in this Act, testifies against the person employing him, all prosecutions against him in the case in which he testifies shall be dismissed.

Sec. 24. It shall be unlawful for any person at any time of the year to hunt deer or any other animal or bird protected by this Act, by the aid of what is commonly known as a headlight or hunting-lamp, or by artificial light attached to an automobile, or by the means of any form of artificial light. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, or by confinement in the county jail for not less than thirty (30) days nor more than Ninety (90) days, or by both such fine and imprisonment. The possession of a headlight, or any other hunting light used on or about the head when hunting at night, between sunset and one-half hour before sunrise, by any person hunting in a community where deer are known to range, shall be prima facie evidence that the person found in possession of said headlight, or other hunting light, is violating the provisions of this section.

Sec. 25. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting or pursuing or taking of any deer. Any person or persons owning or controlling any dog or dogs, and who permits or allows such dog or dogs to run, trail, or pursue any deer at any time, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than twenty-five (\$25.00) dollars and not more than two hundred (\$200.00) dollars.

Provided, that nothing in this section shall prohibit the use of only one dog in pursuit of a wounded buck deer, during the open season on buck deer as provided by this Act; and provided further that this section shall not apply to the counties of Grimes, Madison, Montgomery, Walker, San Jacinto, Leon, Houston, Polk, Trinity, Harris, Brazoria, Fort Bend, Burleson, Lee, Brazos, Robertson, Matagorda, Washington and Wharton.

Sec. 26. It is hereby declared unlawful for any person at any time and in any manner, to hunt, take, capture, or kill, or attempt to hunt, take, capture, or kill any of the wild game birds, wild game fowl, or wild game animals, protected by the laws of this State, from an automobile, an airplane, a powerboat, a sailboat, any boat under sail, or any floating device towed by powerboat or sailboat. Any person violating any of the provisions of this Act shall be deemed guilty of misdemeanor and upon conviction shall be fined in a sum of not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars.

Sec. 27. It is hereby declared unlawful for any person owning or navigating a sailboat or powerboat, to receive on board such boat for pay any person or persons engaged in hunting, before such person owning or navigating such boat shall have applied for and received a license from the Game, Fish, and Oyster Commissioner, or one of his deputies, granting him the right for one year, to receive and carry on his boat persons engaged in hunting. Before such license is issued, the person applying for it shall pay to the Game, Fish, and Oyster Commissioner, or one of his deputies, the sum of two (\$2.00) dollars, and shall file with such Game, Fish and Oyster Commissioner, the name of his vessel, her accommodations for passengers, and the number of her crew and shall file with the Game, Fish and Oyster Commissioner, or one of his deputies, an affidavit to the effect that he will not violate any of the provisions of this Act, and will endeavor to prevent anyone whom he carries on his boat from violating any of the provisions of this Act, and that he will not carry any hunter on his boat who does not possess a hunting license. Whenever any boat owner or navigator fails or refuses to comply with any of the provisions of this section, the Game, Fish, and Oyster Commissioner is authorized and empowered to cancel his license without a refund or return of the license fee paid; and no license shall be renewed or issued to him thereafter for a period of one year.

Any person who carries out any hunting parties for reward or pay of any kind without first having procured his license, as provided in this section, shall be deemed guilty of a

misdemeanor and upon conviction shall be fined in any sum not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars.

Sec. 28. It is hereby declared unlawful for any person or persons, who may be acting as manager of any club, or the owner of any club, or shooting resort or shooting preserve, or lessor of premises leased for hunting purposes, to receive or accommodate as a guest or member of said club, or shooting resort, or shooting preserve, or lessee of premises leased for hunting purposes, for pay, any person or person engaged in hunting, before such manager of such club, shooting resort, shooting preserve, or premises leased for hunting purposes, shall have applied for and received a license from the Game, Fish and Oyster Commissioner, or one of his deputies, granting him the right for the year beginning September 1 and ending August 31, following, to receive and accommodate at such club, shooting resort, shooting preserve, or premises leased for hunting purposes.

Before such license is issued the person applying for same shall pay to the Game, Fish and Oyster Commissioner the sum of five (\$5.00) dollars, and shall file with the Game, Fish and Oyster Commissioner the name of said club, shooting resort, shooting preserve or premises leased for hunting purposes, and shall file with the Game, Fish and Oyster commissioner an affidavit that he will not violate any of the provisions of this section and will endeavor to prevent guests of said club, shooting resort, shooting preserve, or premises leased for hunting purposes from doing so, and that no guest will be accommodated who has not previously secured a hunting license.

All such managers of clubs, shooting resorts, shooting preserves and premises leased for hunting purposes shall be required to keep a suitable record book and each guest or member shall be required to register, showing his name and place of residence, license number, and a record of each day's kill of different birds and game, and a complete record must be made to the Game, Fish and Oyster Commissioner by such manager of club, shooting resort, shooting preserve or premises leased for hunting purposes, not later than February 10th of each year.

Whenever any manager of any club, shooting resort, shooting preserve or premises leased for hunting purposes, fails or refuses to comply with any of the provisions of this section, the Game, Fish and Oyster Commissioner is authorized and empowered to cancel his license without refund or return of the license fee, and no license shall be renewed or issued to such party, or parties, thereafter for a period of one year.

Any manager of any club, shooting resort, shooting preserve, or premises leased for hunting purposes, who accommodates hunters for reward, without first having secured the necessary license as provided in this section, or failing to comply with all the provisions thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars, or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment. Such fines shall be placed to the credit of the Special Game Fund.

For the purpose of carrying out the provisions of this section, it shall be the duty of the Game, Fish and Oyster Commissioner to have prepared and to furnish to all deputy game commissioners blank license with stubs attached, numbered serially, such license to be called "Shooting Preserve License", such shooting preserve license shall have printed across the face the year for which it is issued, shall bear the name and address of the licensee, name of club, character of game found on such preserve or lease, and the expiration date of such license. Said license must bear the seal of the Game, Fish and Oyster Commission, and must be signed by the commissioner or one of his deputies. On the reverse side of said license shall be printed the open seasons and bag-limits, as provided in this Act.

Sec. 29. It shall be unlawful for any citizen of this State to hunt with a gun in this State, except land owners and their children, and tenants and their children upon the farm or ranch of which they are owners or occupants, without first having procured from the Game, Fish and Oyster Commissioner, or one of his deputies, or from a county clerk a license to hunt. It shall also be unlawful for any non-resident of this State, or for any alien, to hunt with a gun

in this State, without first having procured from the Game, Fish and Oyster Commissioner, or one of his deputies, or from a county clerk, a license to hunt.

The fee for a hunting license authorizing a person to hunt within the limits of the State of Texas shall be two (\$2.00) dollars and the fee for a license authorizing a person to hunt exclusively within the county of his residence shall be one (\$1.00) dollar; fifteen (15c) cents of the two dollar license and ten (10c) of the one dollar license shall be retained by the officer issuing such license as his fee for collecting, issuing and making report on license so issued and for remitting the remainder to the Game, Fish and Oyster Commission. The fee for a non-resident citizen or alien hunting license shall be twenty-five (\$25.00) dollars; three (\$3.00) dollars of such amount shall be retained by the officer issuing such license as his fee for collecting, issuing, and making report on license so issued and for remitting the remaining twenty-two (\$22.00) dollars to the Game, Fish and Oyster Commission.

Any person hunting with a gun out of the county of his residence without a license authorizing him to hunt out of the county of his residence, or any person hunting with a gun in this State within the county of his residence without a hunting license, or any person who fails or refuses on demand by any officer to show such officer his hunting license required of him by this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars.

Provided, that land owners and their children, and their tenants and children, may hunt, without a license upon the farm or ranch lands of which they are the owners or occupants.

Provided, also, that the provisions of this section requiring hunting license shall not apply to persons under seventeen years of age

Sec. 30. Any person convicted of violating any provision of the game laws of this State shall thereby automatically forfeit his license for said season; and, provided further, that any such person so convicted of violating the game laws shall not be entitled to receive from the State a license to hunt for one year immediately following the date of his conviction;

and it shall be unlawful for any person who is convicted of violating any of the provisions of the game laws of this State to purchase or possess a hunting license for a period of one year immediately following date of such conviction; and it shall also be unlawful for any person convicted of violating any of the game laws of this State to hunt with a gun in this State for a period of one year immediately following date of such conviction.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars.

Sec. 31. Any person who shall hunt under the license issued to any other person or any person who shall permit any other person to hunt under a license issued to him, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined any sum of not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars.

Sec. 32. All hunting licenses issued shall have printed across their faces the year for which they are issued; they shall bear the name and address or residence of the person to whom issued, and shall give the approximate weight, height, age, color of hair, and of eyes of such person, in order that proper identification may be had in the field, and shall have printed thereon a statement, to be subscribed to in ink by the person to whom issued, that such person will not exceed in any one day the bag-limit as printed on the license. Such license shall be dated on the date of issuance, and shall remain in effect until the last day of August thereafter. Provided that non-resident or alien licenses shall have printed thereon the following: This license does not entitle the holder thereof to hunt upon the enclosed and posted lands of another, without the consent of the owner or agent.

Sec. 33. The county clerk of each county in this State, is hereby authorized to issue hunting licenses under his official seal, to all persons complying with the provisions of this Act, and shall fill out correctly and preserve for the use of the Game, Fish and Oyster Commissioner, the stubs attached thereto; and the county clerk shall keep a complete and correct record of hunting licenses issued, showing the name and place of

residence of each license and the serial number and date of the license issued. Said license stubs and unused licenses shall be open at all times to inspection by any game deputy or any peace officer; and the county clerk shall, within ten days after the close of each calendar month, make out a detailed report under the seal of his office, showing the serial number and date of each license issued during the month covered by the report, and the name and address of the person to whom issued, and shall forward such report, with remittance of fees due the State, to the Game, Fish and Oyster Commission at Austin, and said commission shall credit such county clerk with the amount so remitted. As soon as possible after the licenses in a license-book have all been issued, and only the stubs remain therein, such county clerk shall forward such used license-book to the Game, Fish and Oyster Commission at Austin, in order that such commission may furnish necessary information regarding holders of licenses to any officers in the State.

Sec. 34. It shall be the duty of the Game, Fish and Oyster Commissioner to keep in his office, at Austin, a complete list of the license fees and fines collected; said records shall be kept open for inspection of the State Comptroller and of the public. At the close of each calendar month the Game, Fish and Oyster Commissioner, shall file with the Comptroller, a report in writing, showing all fines, licenses, and other fees collected, their disposition, and any other particulars which he may deem proper.

Sec. 35. All license fees and hunting-boat registration fees collected under this Act, and all fines and penalties and forfeitures of bonds imposed and collected for violation of any of the provisions of this Act, shall belong to the Special Game Fund of this State, and shall be paid over by the Game, Fish and Oyster Commissioner, to the State Treasurer during the first week of each month, and shall be credited to such special game fund; and such fund shall be used solely for the purpose of wild bird and game protection; for the creation, purchase and maintenance of game sanctuaries and public hunting-ground; for the purchase, introduction, propagation, and distribution of game and wild birds; for the dissemination of in-

formation and economic value of wild animal life; and in the employment of special deputy game commissioners, payment of their necessary expenses and the purchase and supply of means to enable the Game, Fish and Oyster Commissioner and his deputies to enforce the game laws of this State. All expenditures shall be verified by affidavit to the Game, Fish and Oyster Commissioner; and on the approval of such expenditures by the Game, Fish and Oyster Commissioner, it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures in favor of the person claiming the same, such warrant to be paid out of the Special Game Fund. All moneys and all balances now in such fund from moneys already paid into the State Treasury, or that may hereafter be paid into said fund through or because of this Act, are made available as soon as paid into the State Treasury, and are hereby specifically appropriated to the use of the Game, Fish and Oyster Commissioner for the several purposes herein specified, except no expenditures may be made from this fund for land or other real estate only upon the authorization of a majority vote of a council composed of the Game, Fish and Oyster Commissioner, the Attorney General of Texas, and the State Comptroller, who shall act on this council during their respective terms of office.

Sec. 36. The Game, Fish and Oyster Commissioner and his deputies shall have the same power and authority as sheriffs to serve criminal processes in connection with cases growing out of the violations of this Act, shall have the same power as sheriffs to require aid in executing such process, and shall be entitled to receive the same fees as are provided by law for sheriffs in misdemeanor cases.

Said commissioner or any of his deputies may arrest without a warrant any person found by them in the act of violating any of the laws for the protection and propagation of game, wild birds or fish, and take such person forthwith before a magistrate having jurisdiction. Such arrests may be made on Sunday, and in which case the person arrested shall be taken before a magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.

Sec. 37. It is hereby made a special duty of the Game, Fish and Oyster Commissioner to enforce the statutes of this State for the protection and preservation of wild game and wild birds; and to bring, or cause to be brought, actions and proceedings in the name of the State of Texas, to recover any and all fines and penalties provided for in the laws now in force, or which may hereafter be enacted, relating to wild game and wild birds. Said Game, Fish and Oyster Commissioner may make complaint and cause proceedings to be commenced against any person for violating any of the laws for the protection and propagation of game or birds without the sanction of the county attorney of the county in which such proceedings are commenced; and in such cases he shall not be required to furnish security for costs.

Sec. 38. The salary of the Game, Fish and Oyster Commissioner shall be thirty-six hundred (\$3,600.00) dollars per annum, said salary to be paid to him out of the Special Game Fund provided for in this Act.

Sec. 39. It shall be the duty of the Game, Fish and Oyster Commissioner to appoint special deputy game commissioners, who shall be ex-officio deputy game, fish and oyster commissioners to enforce conservation laws in the various districts of the State, with all the powers of the latter to enforce the game, fish and oyster laws of this State. Such special deputy game commissioners shall not receive more than one hundred and fifty (\$150.00) dollars per month and expenses. Each special deputy game commissioner shall take the oath of office, and shall give a good and sufficient bond in the sum of one thousand (\$1,000.00) dollars for the faithful performance of his duties, such bond to be approved by and filed with the Game, Fish and Oyster Commission. Such special deputy game commissioners shall hold office at the discretion of the Game, Fish and Oyster Commissioner, and shall have all the power in the discharge of their duties as are conferred on the Game, Fish and Oyster Commissioner.

The Game, Fish and Oyster Commissioner, in order to enforce conservation laws in the various sections of the State, shall also have the power to appoint deputy game commissioners in any county of the State; and said deputies shall have,

in the discharge of their duties, the same powers and authority as are herein provided for the Game, Fish and Oyster Commissioner, and shall be subject to the supervision and control of and removal by said Game, Fish and Oyster Commissioner, except that they shall not be authorized to carry on or about their person, saddle or saddle-bags any pistol, dirk, dagger, slung-shot, sword, cane, spear or knuckle made of any metal or any hard substance, bowie knife or other knife manufactured or sold for the purpose of offense or defense. Such deputy game commissioners shall not receive more than three (\$3.00) dollars a day for each day of service performed, together with all necessary expenses incurred, when same have been rendered on sworn account, and when the performance of said services was authorized by the Game, Fish and Oyster Commissioner, the Chief Deputy Commissioner, or a Special Deputy Game Commissioner, which account shall be approved by the Game, Fish and Oyster Commissioner or Chief Deputy Commissioner, and paid on warrant drawn by the Comptroller.

Sec. 40. All special deputy game commissioners and deputy game commissioners are hereby empowered and required to enforce the game, fish and oyster laws of this State, and such deputy who violates such laws shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars.

Sec. 41. The Game, Fish and Oyster Commissioner shall appoint a Chief Deputy Commissioner, who shall maintain an office in the Capitol of this State; and said Chief Deputy Commissioner shall take the constitutional oath of office, and shall act as general assistant to the said Game, Fish and Oyster Commissioner; and, during the absence, sickness, or disability of the commissioner, he shall exercise the duties of the said commissioner. Said chief deputy commissioner shall devote his entire time to the work of his office. The Chief Deputy Game, Fish and Oyster Commissioner shall, before assuming the duties of his office, file with the Secretary of State a good and sufficient bond in the sum of five thousand (\$5000.00)

dollars, conditioned on the faithful performance of the duties of his office, which bond shall be approved by the Game, Fish and Oyster Commissioner. It shall be the duty of the Chief Deputy Game, Fish and Oyster Commissioner to prepare and furnish to each county clerk, blank hunting licenses, with stubs attached, numbered serially; and said chief deputy commissioner shall cause an account to be opened in his office with each county clerk, and charge said clerk with the number of licenses furnished him. He shall also open an account with each deputy of the Game, Fish and Oyster Commission and charge such deputy with the number of licenses furnished him. Said accounts shall show the serial numbers of such licenses.

Sec. 42. It shall be the duty of any justice of the peace, clerk of any court, or any other officer of this State, receiving any fine or penalty imposed by any court for violation of any of the laws of this State pertaining to the protection and conservation of wild birds, with fowl, wild animals, fish, oysters, and other wild life, within ten days from and after the receipt or collection of fine or penalty, to remit same to the Game, Fish and Oyster Commission at Austin, giving docket, number of case, name of person fined, and section or article of the law under which conviction was secured, when such laws are required to be enforced by the Game, Fish and Oyster Commission.

Sec. 43. Any person, firm or corporation owning and in possession of lands in the State of Texas, may transfer by an instrument of writing, duly acknowledged before an officer, authorized under the laws of this State to take acknowledgements, to the State of Texas the right to preserve, protect and introduce for propagation purposes any of the game birds or game animals mentioned in this Act on the lands mentioned therein, for a period of not less than ten years. Such instrument of writing shall be filed in the office of the Game, Fish and Oyster Commissioner, whereupon the Game, Fish and Oyster Commissioner may at his discretion declare the lands described in said instrument a State Game Preserve and thereafter for a period named therein shall for all the purposes relating to the preser-

vation, protection and propagation of game birds and game animals be under the control of the Game, Fish and Oyster Commissioner. Providing that the aggregate acreage of all preserves which may be designated in any one county shall never exceed ten per cent of the total acreage of such county. Such preserves shall be numbered in the order of the filing of the instrument therefor. The Game, Fish and Oyster Commissioner shall cause notices to be prepared containing the words "State Game Preserve," "Trespassing Prohibited," and to cause such notices to be posted at each gate or entrance thereto. All State game preserves established under the provisions of this Act shall for all purposes of preservation, protection and propagation of game birds and game animals thereon be under the control and management of the Game, Fish and Oyster Commissioner and he and his deputies may at all times enter in and upon such preserves in the performance of their duties.

It shall be unlawful for any person to hunt, pursue, shoot at, kill, take, destroy, or in any manner molest any of the game birds or game animals within the exterior boundaries of any game preserve and any person who shall violate any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars.

Sec. 44. It shall be the duty of the Game, Fish and Oyster Commissioner and his deputies, in addition to their duties provided for in this Act, to caution sportsmen and other persons while in the woods, marshes, or prairies of the State of danger from fire; and, to the extent of their power, to extinguish all fires left burning by anyone, and to give notice, when possible, to any and all persons, interested, of fires ranging beyond control to the end that same may be controlled and extinguished.

Sec. 45. The Game, Fish and Oyster Commissioner and his deputies shall at all times have the power to enter upon any lands or water where wild game or fish are known to range or stay for the purpose of enforcing the game and fish laws of this State, and for the purpose of making scientific investigations or for research work as to such wild game or fish and no action in any court shall be sustained against the commissioner or

any of his deputies to prevent their entrance upon lands or waters when acting in their official capacity as herein set forth.

Sec. 46. For the purpose of this Act any person, except an alien, who has been a bona fide resident of this State for a period of time exceeding six months, continuously and immediately before applying for a hunting license, shall be considered a citizen of this State.

An alien is any person who is not a natural born citizen of the United States of America, or who has not declared his intention to become a citizen of the United States of America.

A non-resident shall be any person who is a citizen of any other State, or who has not continuously or immediately previous to the time of applying for a hunting license, been a bona fide resident of the State of Texas, for a period of time more than six months.

Sec. 47. That Articles 874 to 900, inclusive, of the Penal Code of 1911; and Article 4022 to 4042, inclusive, of the Revised Civil Statutes of 1911; and Chapter 123, Acts Regular Session Thirty-fourth Legislature, amending law relating to quail and doves in Penal Code 1911, by adding Articles 889a and 889b; and Chapter 22, of the General Laws passed at the First Called Session of the thirty-fourth Legislature; and Chapter 7 of the General Laws, passed at the First Called Session of the Thirty-fifth Legislature; and Chapter 8 of the General Laws passed at the Third Called Session of the Thirty-fifth Legislature, and Chapter 157 of the General Laws passed at the Second Called Session of the Thirty-sixth Legislature and Chapter 157 of the General Laws passed at the Regular Session of the Thirty-sixth Legislature; and Chapter 72 of the General Laws passed at the Regular Session of the Thirty-seventh Legislature; and Chapter 35 of the General Laws passed at the First Called Session of Thirty-sixth Legislature; and Chapter 84 of the General Laws passed at the Fourth Called Session of the Thirty-sixth Legislature; and Chapter 84 of the General Laws passed at the Regular Session of the Thirty-eighth Legislature; and Chapter 14 of the General Laws passed by the First Called Session of the Thirty-eighth Legislature, are hereby specifically repealed, and all other laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Sec. 48. If any paragraph, section, or part of this Act shall be held unconstitutional or inoperative, it shall not affect any other paragraph, section, or part of this Act; and the remainder of this Act, save the part declared unconstitutional or inoperative, shall continue to be in full force and effect.

Sec. 49. It shall be unlawful for any person to take, kill, wound, shoot at, hunt for, or possess, dead or alive any wild turkey gobbler, or turkey hen in the counties of Cameron, Hidalgo, Starr, Willacy, Kennedy, Brooks, Kleberg and Nueces until November 16, 1930, from and after which time it shall be lawful to kill only turkey gobblers as herein provided in this bill.

Sec. 50. This bill shall be known as the "Boyd-Hubby Game Bill" and shall take effect and be in force from and after September 1, 1925.

Sec. 51. The fact that there are now no adequate laws for the preservation, propagation, and protection of the wild game animals and birds of this State, which are rapidly disappearing, and that fair and just law enforcement cannot be had under the existing statutes for the protection of wild birds and animals, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended.

Respectfully submitted,

SANFORD,
WELLS,
PETSCH,
STOREY,

On the part of the House.

WOOD,
REAL,
WIRTZ,
HARDIN of Erath,
PRICE,

On the part of the Senate.

Recess.

On motion of Senator Holbrook the Senate, at 12 m., recessed until 2 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Miller.

Senate Bill No. 241.

By unanimous consent, by request of Senator Reid, the Chair laid before the Senate, on second reading,

S. B. No. 241, A bill to be entitled "An Act creating and incorporating the Silvertown Independent School District, of Briscoe County, Texas, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 241 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

S. B. No. 241 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Senate Bill No. 395.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 395, A bill to be entitled "An Act to amend Section 14, Chapter 67, of the Local and Special Laws enacted at the Regular Session in

1913, same being a special road law for Goliad County, by adding hereto Section 14a, to permit the issuance of bonds by Goliad County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 395 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

S. B. No. 395 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Senate Bill No. 106.

Action recurred on the pending business, S. B. No. 106, the question being on the pending amendment by Senator Wirtz.

After discussion, Senator Hardin of Kaufman moved that the further consideration of the bill and amendments be indefinitely postponed.

Senator Pollard moved to table the motion to postpone, which motion to table was adopted, by the following vote:

Yeas—25.

Berkeley.	Price.
Bledsoe.	Reid.
Bowers.	Russek.
Davis.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Pollard.	

Nays—4.

Hardin of Kaufman	Parr.
Murphy.	Real.

Absent.

Bailey.	Fairchild.
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Action recurred on the amendment by Senator Wirtz, and Senator Price moved to table the amendment, which motion to table was adopted, by the following vote:

Yeas—16.

Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Reid.
Floyd.	Smith.
Lewis.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Wood.
Parnell.	Woodward.

Nays—11.

Berkeley.	Parr.
Fairchild.	Real.
Hardin of Erath.	Russek.
Hardin of Kaufman	Ward.
Miller.	Wirtz.
Murphy.	

Absent.

Holbrook.	Witt.
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(Pair Recorded.)

Senator Strong (present), who would vote yea; with Senator Bailey (absent), who would vote nay.

Senator Fairchild offered the following amendment:

Amend the pending amendment by striking out in Section 46 the following: "That no druggist shall sell on prescription more than twenty-five gallons during any one calendar year."

Senator Price moved to table the amendment, which motion to table was adopted, by the following vote:

Yeas—14.

Bledsoe.	Price.
Bowers.	Reid.
Lewis.	Smith.
Moore of Hunt.	Strong.
Moore of Cooke.	Stuart.
Parnell.	Triplett.
Pollard.	Woodward.

Nays—13.

Bailey.	Real.
Berkeley.	Russek.
Fairchild.	Ward.
Hardin of Erath.	Wirtz.
Hardin of Kaufman	Witt.
Miller.	Wood.
Murphy.	

Absent.

Davis.	Holbrook.
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(Pair Recorded.)

Senator Floyd (present), who would vote nay; with Senator Parr (absent), who would vote yea.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 285, A bill to be entitled "An Act creating a more efficient road system for McLennan County."

S. B. No. 319, A bill to be entitled "An Act creating the Golden Independent School District in Wood County."

S. B. No. 321, A bill to be entitled "An Act creating the Richmond Independent School District in Fort Bend County."

S. B. No. 328, A bill to be entitled "An Act creating the Rosenberg Independent School District in Fort Bend County."

S. B. No. 330, A bill to be entitled "An Act reorganizing the Thirty-fifth Judicial District of Texas."

S. B. No. 337, A bill to be entitled "An Act reorganizing the Seventy-fifth Judicial District of Texas."

S. B. No. 339, A bill to be entitled "An Act creating the Rock Springs Independent School District in Edwards County."

S. B. No. 344, A bill to be entitled "An Act creating the Franklin Independent School District in Robertson County."

H. C. R. No. 23, A joint resolution "Requesting the Governor to return to the House H. B. No. 218 for correction and further consideration."

S. B. No. 253, A bill to be entitled "An Act to authorize the commissioners' court of Wichita County, Texas, to contract and agree with the proper authorities of the State of Oklahoma for the construction of a public bridge across Red River at some point on the north line of Wichita County, Texas, and to authorize said commissioners' court of Wichita County, Texas, out of the road and bridge funds of said county to pay not more than twenty-five per cent of the cost of construction and maintenance, and to authorize the issuance of bonds or warrants for said purpose and to provide that the said bridge, when constructed, shall be a part of the public highways of the State of Texas, and to authorize the appropriation of funds by the said Highway Commission to aid in the construction and maintenance thereof, and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act to authorize the commissioners' court of Wilbarger County, Texas, to contract and agree with the proper authorities of the State of Oklahoma for the construction of a public bridge across Red River at some point on the north line of Wilbarger County, Texas, and to authorize the commissioners' court of Wilbarger County, Texas, out of the road and bridge funds of said county to pay not more than twenty-five per cent of the cost of construction and maintenance, and to authorize the issuance of bonds and warrants for said purpose and to provide that the said bridge, when constructed, shall be a part of the public highways of the State of Texas, and to authorize the appropriation of funds by the said Highway Commission to aid in

the construction and maintenance thereof, and declaring an emergency."

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk House of Representatives.

House Concurrent Resolution No. 23.

The Chair laid before the Senate, H. C. R. No. 23, requesting the Governor to return H. B. No. 218 to the House for correction and further consideration.

The resolution was read and adopted.

Senate Bill No. 106.

Action recurred on the pending business, S. B. No. 106, and,

Senator Moore of Hunt offered the following several amendments, they being read and adopted:

1. Amend S. B. No. 106, page 660, of Senate Journal, by adding after the word "State" in line 3, of section 48, the following: "who dispenses liquor."

2. Amend S. B. No. 106, page 660, of Senate Journal, by adding after the word, "original" in line 6, of section 48, the word "liquor."

3. Amend S. B. No. 106, page 660, of Senate Journal, by adding after the word "original" in line 6, of section 48, the word "liquor."

Senator Wood offered the following amendment:

Amend the pending amendment by striking out all of Section 45 after the last comma.

The amendment was read and Senator Murphy moved to table the same, which motion to table was adopted by the following vote:

Yeas—17.

Bowers.	Murphy.
Davis.	Parnell.
Floyd.	Pollard.
Lewis.	Price.
Moore of Hunt.	Real.
Moore of Cooke.	Reid.

Nays—14.

Bailey.	Smith.
Berkeley.	Strong.
Bledsoe.	Stuart.
Fairchild.	Triplett.
Hardin of Erath.	Ward.
Hardin of Kaufman.	Wirtz.
Holbrook.	Witt.
Miller.	Wood.
Parr.	Woodward.
Russek.	

The amendment by Senator Price, as amended, was then adopted.

Senator Woodward offered the following amendment:

Amend S. B. No. 106, by adding thereto Section 56 reading as follows:

Section 56. The clerk of the district court shall cause to be published a certified copy of each report filed with him by each and every physician and druggist as provided in this Act, and which report shall be published in some newspaper published in the county wherein the report is filed, and if no newspaper is published in said county then said report shall be posted at the courthouse door of the county wherein the report is filed, and the fees for the publication thereof shall be paid out of county funds upon warrants drawn in the manner as provided by law and the clerk shall be allowed a fee of \$2.50 for each report so certified and published by him.

The amendment was read and adopted by the following vote:

Yeas—15.

Bledsoe.	Price.
Holbrook.	Reid.
Lewis.	Smith.
Miller.	Stuart.
Moore of Cooke.	Triplett.
Murphy.	Wood.
Parnell.	Woodward.
Pollard.	

Nays—12.

Bailey.	Hardin of Kaufman.
Berkeley.	Real.
Bowers.	Russek.
Davis.	Ward.
Floyd.	Wirtz.
Hardin of Erath.	Witt.

Present—Not Voting.

Moore of Hunt.

Absent.

Fairchild.

(Pair Recorded.)

Senator Strong (present), who would vote yea; with Senator Parr (absent), who would vote nay.

Reason for Not Voting.

Because of my connection with a newspaper, I vote "present on the Woodward amendment to S. B. No. 106, which amendment provides for

publication in newspapers the names of those who purchase liquor on prescription.

MOORE of Hunt.

Senate Bill No. 367 Withdrawn.

Senator Bailey asked unanimous consent to withdraw from the calendar S. B. No. 367.

There was no objection.

Conference Committee Report on Senate Bill No. 146.

Senator Holbrook offered the following conference report, which was read and adopted:

Committee Room,

Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Hon. Lee Satterwhile, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed by your respective bodies to consider the amendments of the House to S. B. No. 46, have had the same under consideration and beg to report as follows:

First: Amend the caption of the engrossed bill, line 15, by striking out the word "constituting" and insert in lieu thereof the word "converted."

Second: Amend Section 1 of the engrossed bill, line 10, by inserting the word "such" between the words "other" and "share" in said line.

Third: Amend Section 3 of the engrossed bill, line 4, by inserting the word "or" after the word "thereof" in said line, and by changing the comma after the word "thereof" to a semicolon, and by placing a comma after the word "or."

Fourth: Amend Section 4 of the engrossed bill, at the end of said section, by changing the period to a semicolon, and by adding to said section of the engrossed bill the following:

"Provided further that in no event the amount so paid shall be less than \$25,000.00."

Fifth: Amend Section 6 of the engrossed bill, page 6, line 12, on said page, by changing the word "when" in said line to the word "then."

Sixth: Amend Section 8 of the engrossed bill, line 9, by changing the word "large" in said line to "larger"; and by changing the words "constituted" in said Section 8 of the engrossed bill, lines 22 and 27, to the word "converted" in each of said lines in said section.

Seventh: We recommend the adoption of and do adopt the amendment

offered by the House, by adding to Section 12 of the engrossed bill, the following:

"Provided, that nothing in this Act shall be construed to in any way exempt the sale of such par value stock or non par value stock from the operation and control of the Blue Sky Law of this State as the same now exists or may hereafter be amended."

Eighth: We recommend that the House receded from its action in adopting the amendment offered by the House by adding to said bill Section 13a, reading:

"Provided, that for the purpose of incorporation 50 per cent of the authorized capital, based upon the shares being of the par value of \$100 per share, shall be paid in as is now provided by law, unless upon such basis the authorized capital exceed \$200,000.00 in which event 10 per cent shall be paid in."

With these amendments, changes and recommendations we respectfully submit that S. B. No. 46, with the amendments herein stated and provided, and with the recommendations herein made, should be adopted and do pass.

WADE,
HALL,
BARRON,
SANFORD,
SINKS,

On the part of the House.

HOLBROOK,
BOWERS,
WARD,
WIRTZ,
BAILEY,

On the part of the Senate.

Senate Bill No. 106.

Action recurred on the pending matter, S. B. No. 106, and Senator Stuart offered a substitute for the bill. (Note: The substitute bill was printed in the Journal of February 24, and it is not reprinted here.)

Senator Stuart offered the following three amendments to the substitute bill:

1. Amend the amendment to S. B. No. 106, paragraph, 107, page 662, of the printed bill by adding there to the following paragraph:

"Each county clerk who dispenses liquor shall employ a registered pharmacist who may devote part or all of his time to the work of dispensing liquor, and who shall be known as assistant county clerk and

shall handle all of the liquor dispensed by the county clerk. Said assistant county clerk may have his office or place of business in the clerk's office of the county, or may be allowed to dispense it from any one drug store in the county that may be designated by the commissioners' court of the county."

2. Amend Section 7 of the amendment of S. B. No. 106 by striking out all of the next to the last paragraph of said section, page 662, and substituting in lieu thereof the following:

"A county clerk shall not charge a profit upon the sale of any liquor and shall be allowed to charge not more than 25 cents for each affidavit taken by him; that the charges made therefor shall be as compensation received by the county clerk for the handling of liquor dispensed by him and shall be considered ex-officio fees of office and he shall not be required to account for same under the fee bill."

3. Amend the amendment to S. B. No. 106 by striking out all of the last paragraph of Section 7 following "accounts" as it appears the last time in said paragraph.

After discussion action recurred on the amendment, substitute for the bill, and Senator Price moved to table the same, which motion to table was adopted, by the following vote:

Yeas—16.

Berkeley.	Moore of Cooke.
Bledsoe.	Parnell.
Bowers.	Pollard.
Davis.	Price.
Floyd.	Triplett.
Holbrook.	Ward.
Lewis.	Wood.
Moore of Hunt.	Woodward.

Nays—10.

Bailey.	Murphy.
Fairchild.	Real.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Stuart.
Miller.	Wirtz.

Absent.

Reid.	Witt.
Smith.	

(Pair Recorded.)

Senator Strong (present), who would vote yea; with Senator Parr (absent), who would vote nay.

Senator Wood offered the following substitute for the bill:

Amend S. B. No. 106 by striking out all below the enacting clause and substituting the following:

Section 1. It shall be unlawful for any person other than a physician duly licensed and practicing medicine under the laws of this State and holding a liquor permit from the Comptroller of Public Accounts to write a prescription for intoxicating liquors for any purpose, and no such prescription shall be written by any such physician unless in the opinion of said physician said intoxicating liquor is necessary for and intended to be used by the patient named for medicinal purposes only, and that he believes the intoxicating liquor so prescribed to be necessary for the preservation of the life or health of the patient, and that at the time he writes such prescription that the intoxicating liquor therein prescribed would not be used by the patient or any other person for beverage purposes, and no such physician shall write more than fifty (50) such prescriptions every three months.

Sec. 2. The sale or furnishing of intoxicating liquors upon physician's prescription shall be unlawful except by a person, firm or corporation or the owner, proprietor or manager of any firm or corporation holding a permit from the Comptroller of Public Accounts authorizing same. It being the purpose of this Act to confine the furnishing and procuring of intoxicating liquors for medicinal purposes to cases of actual need to be furnished in accordance with law pursuant to physician's prescription, in keeping with the Constitution which preserved in the State the general police power over intoxicating liquors and declares that the Legislature shall have the power to pass any additional prohibitory laws, or laws to aid thereof, which it may deem advisable.

Sec. 3. Every physician duly licensed and practicing under the laws of this State and holding a liquor permit from the Comptroller of Public Accounts to write prescriptions for intoxicating liquors, as provided for in this Act, shall file with the district clerk of the county of his residence a true and correct statement, under oath, not later than the 15th day of each succeeding month thereafter, showing the total number of prescriptions so issued by him

and the total amount of intoxicating liquors so prescribed by him during the preceding month.

Sec. 4. Every person, firm or corporation, or the owner, proprietor or manager of any firm or corporation within this State having a permit to sell intoxicating liquors on prescriptions of a licensed physician, as provided for in this Act, shall file with the district clerk of the county of his, its or their residence a true and correct statement, under oath, not later than the 15th day of each succeeding month thereafter, showing the total number of prescriptions so filled and the amount of intoxicating liquors so sold, together with a statement showing the total amount of intoxicating liquors purchased and received and the purchase price thereof during the preceding month.

Sec. 5. The district clerk of each county in which such report is filed, as required by the preceding sections of this Act, shall not later than the first day of the succeeding month thereafter cause to be published in some newspaper published in such county, if there be a newspaper published therein, a statement showing the name of the physician issuing any such prescription or prescriptions for intoxicating liquors and the total number of prescriptions so issued by each physician, together with a statement showing the number of prescriptions filled and the total amount of liquor prescribed by said physicians and filled by said person, firm or corporation, or the owner, proprietor or manager of said firm or corporation, and in the event the publication thereof cannot be made in any newspaper in the county, then same shall be posted at the courthouse door and two other public places in the county.

Sec. 6. The district clerk of each county in which such report is filed, as required by the preceding sections of this Act, shall not later than the first day of the succeeding month thereafter cause to be published in some newspaper published in such county, if there be a newspaper published therein, a statement showing the number of prescriptions filled by each such person, firm or corporation holding a permit to fill prescriptions for intoxicating liquors, showing the total number of prescriptions so filled and the amount of intoxicating liquors contained in such

prescriptions, together with a statement showing the total amount of intoxicating liquors purchased and received as well as the purchase price thereof during the preceding month, and in the event the publication thereof cannot be made in any newspaper in the county, then same shall be posted at the courthouse door and two other places in the county.

Sec. 7. The district clerk of each such county shall receive and be allowed a fee for filing each copy of such statement and affidavit computed upon the number of prescriptions enumerated in said statement or statements at the rate of ten cents per each such prescription so enumerated. The cost of the publication of any and all such notices shall be paid for by the clerk of such county out of the funds herein provided for; provided, however, that in the event the cost of such publication shall exceed the total amount of fees so received by said clerk, then and in that event any and all such excess costs for the publication of such notices shall be paid out of the general fund of such county.

Sec. 8. Any person, or the owner, proprietor, or manager of any firm, or any agent or officer of a corporation violating any of the provisions of this Act shall be deemed guilty of the same offense and subject to the pains and penalties as prescribed in the Act of the Thirty-sixth Legislature as amended in this Act.

Section 9. The Comptroller of Public Accounts of this State shall immediately cancel the permit of any physician, person, firm or corporation, or the owner, proprietor or manager of any firm or corporation who shall have been convicted of the violation of any of the laws of this State relative to the prescribing or furnishing of intoxicating liquors for medicinal purposes.

Sec. 10. The fact that the platform adopted by the Democrats reads: "A certain class of druggists and physicians are suspected of violating the spirit, if not the letter of the law in the unlawful traffic in intoxicating liquors under the cover or prescriptions, and we pledge the incoming Legislature and executive to do whatever may come within their province to remedy this particular evil by appropriate legislation. We suggest that the Legisla-

ture could do much to remedy this blight by enacting measures requiring detailed monthly reports to be filed with the county clerk of the county by each druggist filling liquor prescriptions, showing all prescriptions of liquor made by him and the cost thereof and all sales, and showing the amount of the gross profit on such sales, and such statement should also make a full exhibit as to the quantity sold, the name of the physician giving the prescription, and said report should be published monthly in some newspaper in the county where the sales are made, and adequate penalties should be provided for the violation of any of the provisions of the law by druggist or physicians"—creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Pending.

Senator Davis asked unanimous consent to take up, out of its order S. B. No. 160, but there was objection.

Senator Holbrook asked unanimous consent to take up, out of its order, S. B. No. 381, but there was objection.

Senator Fairchild asked unanimous consent to suspend the regular order and take up H. B. No. 535, but there was objection.

Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills, and resolution:

S. B. No. 115,
S. B. No. 82,
S. B. No. 214,
H. C. R. No. 23.

Recess.

Senator Stuart moved that the Senate recess until tomorrow morning at 10 o'clock.

Senator Fairchild moved that the Senate adjourn until 10 o'clock tomorrow morning. The motion was lost.

The motion to recess until 10 o'clock was lost also.

Senator Wood moved that the Senate recess until 9:30 tomorrow morning.

The motion was adopted.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 417, A bill to be entitled "An Act to aid in protection of the property and lives of the citizens of Cameron and Willacy Counties from further disastrous and calamitous overflows and conserving and increasing the State revenues derived from said counties by granting and donating to Cameron County, for a term of twenty-five years, or so much thereof as may be necessary, a portion of the State ad valorem taxes levied and collected on property subject to taxation in said county, to be used in part payment of interest and sinking fund of bonds to be issued by said county, to provide for the construction of the necessary breakwaters, levees, dikes, floodways and drainways to protect Cameron and Willacy Counties from such overflows, and providing for the administration of this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form, but be printed in the Journal.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 411, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not less than 17,000, according to the census of 1920, and which have an area of not less than 1060 square miles, nor more than 1200 square miles, and which have assessed valuation of not less than \$10,000,000.00 and which do not contain a city or town of more than 7,500, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 199, A bill to be entitled "An Act amending Article 1121 of the Revised Civil Statutes of 1911 so as to authorize the formation of private corporations with the power to design, purchase and sell building material products and furnishings and for the manufacture and sale thereof and the designing, selling, construction and erection and contracting for the construction and erection of buildings and improvements."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

H. B. No. 76, A bill to be entitled "An Act to regulate the taking of certain fur-bearing animals of their pelts for barter or sale, declaring them to be the property of the people of the State, defining trapper, prescribing resident, non-resident and alien trapper's licenses; defining fur dealer; prescribing fur dealer's license; defining resident, non-resident and alien; providing form of trapper's and dealer's licenses, their distribution; providing for certain exemptions; defining tenant; regulating the season; providing for disposition of funds; prescribing penalty for violations; providing for enforcement, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 413, A bill to be entitled

In Memoriam

Simple Resolution No. 50.

By Senator Ried:
Senator John W. Veale died at his home 1918 Harrison Street, Amarillo, Texas, on January 2, 1924, at the age of 67.

Whereas, he served with distinction as a member of the Thirtieth and also the Thirty-first Legislature; and

Whereas, both as a public servant and as a private citizen, he was held in highest esteem for his unselfish patriotism and loyal devotion to his State and to this nation; and

Whereas, his honesty of purpose and his integrity of character gave him an honored place among the chivalrous sons of our beloved southland; therefore

Be it resolved, That a page of the Journal of the Senate be set apart and dedicated to his memory; that a copy of this resolution be sent to his bereaved family; and that when the Senate adjourns today it shall be done in his honor.

The resolution was read and adopted by a rising vote.

"An Act to fix the terms of court for the Sixth Judicial District in Fannin and Lamar Counties, repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Price, Triplett, Parnell, Lewis, Murphy.

Committee Room,
Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, Your Committee on Educational Affairs, to whom was referred

S. B. No. 408, A bill to be entitled "An Act to create Oak Grove Common School District in Aransas County, Texas, including therein the present Oak Grove Common School District No. 3 of the said county; providing a board of trustees therefor, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 414, A bill to be entitled "An Act creating the Ben Franklin Independent School District in Delta County, Texas; defining its boundaries; providing for a board of trustees for said district; conferring upon said district and its board of trustees all the rights, powers, privileges, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to who was referred

H. B. No. 252, A bill to be entitled "An Act creating and establishing Rotan Independent School District, in Fisher County, Texas, defining and

describing it by metes and bounds, providing for the government thereof, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 409, A bill to be entitled "An Act creating Snyder Independent School District in Scurry County, Texas; defining its boundaries; including the original Snyder Independent School District and adding territory thereto; conferring on said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 430, A bill to be entitled "An Act to amend Section 1 of Chapter 47, of the Local and Special Laws of the Thirtieth Legislature, Regular Session, as amended in Chapter 39, Local and Special Laws of the Thirty-sixth Legislature, Regular Session, and in Chapter 66, Special Laws of the Thirty-seventh Legislature, Regular Session, being entitled 'An Act creating the Eldorado Independent School District in Schleicher County, Texas,' so as to redefine the boundaries of the said district; repealing all laws and parts of laws in direct conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 414, A bill to be entitled "An Act creating the Bessmay Independent School District in Jasper County, Texas, out of part of the territory included in the Buna Independent School District; defining its boundaries and redefining the boundaries of Buna Independent School District, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment, and be not printed.

WITT, Chairman.

Amend H. B. No. 414 by striking out all after the word "to-wit" in Section 1 of page 1 down to and including all of Section 2 before Section 3 on page 5 and inserting in lieu thereof the following:

"Section 1. Beginning at the southeast corner of Elisha Morris Survey and the northwest corner of the Salvador Castillo Survey. Thence east on the north boundary line of said Castillo Survey to the northeast corner thereof and the southwest corner of the Martin Flores Survey. Thence north on the west boundary line of the said Flores Survey to the northwest corner thereof. Thence east with the north boundary line of said Flores Survey to the northeast corner of same and the northwest corner of the Medrano Survey. Thence east on the north boundary line of said Medrano Survey to the Jasper and Newton County Line. Thence south with the Newton and Jasper County Line to the northeast corner of H. & T. C. Section 79. Thence west with the north line of Section 79 to its northwest corner on the east line of Section 78. Thence south with east line of Section 78 to the southeast corner thereof. Thence west with the south lines of Sections 78, 77 and 76 to the southwest corner of Section 76 on the east line of the Washington Mitchell Survey. Thence continuing west across said Mitchell Survey to the west line thereof. Thence north with the west line of said Mitchell Survey to the northwest corner thereof on the

south line of the Salvador Castillo Survey. Thence continuing north 1900 varas on the Castillo Survey to a point east on the southeast corner of the James Conn Survey. Thence west 2256 varas to the southeast corner of the James Conn Survey and the west boundary line of the said Castillo Survey. Thence north with the east boundary lines of the James Conn and W. H. Fletcher Survey and the west boundary line of the said Castillo Survey to the northwest corner of same the place of beginning. Containing 19,520 acres of land—more or less.

Sec. 2. Beginning on the Newton and Jasper County line at the NE corner of H&TC Section 79. Thence west with the north line of Section 79 to its NW corner on the east line of Section 78. Thence south with the east line of Section 78 to the SE corner thereof. Thence west with the south lines of Sections 78, 77 and 76 to the SW corner of Section 76 on the east line of the Washington Mitchell Survey. Thence continuing west across said Washington Mitchell Survey to the west line thereof. Thence north with the west line of said Mitchell Survey to the NW corner thereof on the south line of the S. Castillo Survey. Thence continuing north 1900 varas on the Castillo Survey to a point east of the SE corner of the James Conn Survey. Thence west 2256 varas to the SE corner of the James Conn Survey on the west boundary line of the Salvador Castillo Survey. Thence north with the east line of the James Conn and the W. R. Fletcher Surveys and the west boundary line of the Salvador Castillo Survey to the NW corner of said Castillo Survey and the SE corner of the Elisha Morris Survey. Thence west on the south line of said Morris Survey and the north line of the W. R. Fletcher Survey to the NW corner of said Fletcher Survey. Thence south on the west boundary line of the W. R. Fletcher and James Conn Surveys to the NE corner of the J. E. Carroll Survey. Thence west on the north line of said Carroll Survey to the NW corner thereof and the NE corner of the J. N. Allen Survey. Thence west from the north line of said Allen Survey to the NW corner thereof and the NE corner of the John R. Salsbury Survey. Thence west on the north line of said Salsbury survey to the NW corner there-

of on the east bank of the Neches River. Thence south to the SW corner of said Salsbury Survey. Thence east on the south boundary line of said Salsbury Survey to a corner of same and the NE corner of Section 88. Thence south with the east boundary line of Section 88 to its extreme southwest corner on the north boundary line of Section 84. Thence east with the north boundary line of Section 84 to the NE corner of same. Thence south to the NW corner of Section 66. Thence continuing south to the SE corner of Section 84. Thence west to the NW corner of Section 66. Thence south to the SW corner of Section 66. Thence east on the south boundary line of Section 66 and the north boundary line of John Richardson Survey to the NE corner of said Richardson Survey. Thence south on the east boundary line of said Richardson Survey to the SW corner of Section 65 and the NW corner of Section 64. Thence east on the north line of Section 64 to the NE corner of same. Thence north on the east boundary line of Section 65 to the NW corner of the Martha Crockett Survey. Thence east on the north line of the Martha Crockett Survey to the NE corner of same on the west line of Section 51. Thence south to the SW corner of Section 51 and the NW corner of the S. Crawford Survey. Thence east with the north boundary line of the Crawford Survey to a corner of T&NO Section 52. Thence north to the extreme NW corner of Section 52. Thence east on the north boundary line of Section 52 to the NE corner of same. Thence south with the east boundary line of Section 52 to the SE corner of same and the NE corner of Section 53. Thence south with the east boundary line of Section 53 to the SE corner thereof and the NE corner of Section 54. Thence west to the SW corner of Section 53 on the east boundary line of Section 77. Thence north with the east boundary line of Section 77 to the NE corner of same. Thence west to the NW corner of Section 77. Thence south to the SW corner of Section 77 and the NW corner of Section 76. Thence south with the west boundary line of Section 76 to the SE corner of Section 40 on the north boundary line of Section 39. Thence continuing south to the SW corner of Sec-

tion 76. Thence east to the NW corner of T&NO Section 75. Thence south to the SE corner of Section 39. Thence west to the SW corner of Section 39 on the north boundary line of the Benjamin Richardson Survey. Thence south 2500 varas across the said Benjamin Richardson Survey to a point on the south line of same which would be due south of the SW corner of Section 39. Thence east with the south boundary line of the Benjamin Richardson Survey to the SE corner of same on the north boundary line of Section 69. Thence east with the north boundary line of Section 69 to the NW corner of Section 58. Thence east to the NE corner of Section 58 and the NW corner of Section 43. Thence east to the NE corner of Section 43 and the SE corner of Section 44. Thence north with the east boundary line of Section 44 and the west boundary line of the Hohn Beech Survey to a point due west of the SW corner of H&TC Section 102. Thence east 210 varas across said Beech Survey to the east boundary line of same and the west boundary line of Elisha Prewitt Survey. Thence continuing east 810 varas across said Prewitt Survey to the SW corner of Section 102 on the east boundary line of said Prewitt Survey. Thence east with the south boundary line of Section 102 to the SE corner of same and the SW corner of Section 103. Thence east to the SE corner of Section 103 and the SW corner of Section 104. Thence east to the SE corner of Section 104 and the NE corner of Section 37 on the Jasper and Newton County line. Thence north with the said Jasper and Newton County line to the NE corner of Section 79 the place of beginning. Containing 35,446 acres of land—more or less."

Committee Room,

Austin, Texas, March 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 405, A bill to be entitled "An Act creating the Crawford Independent School District in McLennan County, Texas; defining its boundaries, including the present Crawford Independent School District; providing for a board of trustees in said district, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 319, A bill to be entitled "An Act enlarging and re-establishing the limits and defining the territory embraced within the Theny Independent School District in Comanche County, Texas, divesting control of the free schools in said district from the existing district and investing the same in the district herein created, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 241, A bill to be entitled "An Act creating and incorporating the Silverton Independent School District, of Briscoe County, Texas, for free school purposes only, defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 115 carefully examined and compared and find same correctly enrolled, and have this day at 3:30 o'clock p. m., presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 214 carefully examined and compared and find same correctly enrolled, and have this day at 3:30 o'clock, p. m., presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 82 carefully examined and compared, and find same correctly enrolled, and have this day at 3:30 o'clock p. m., presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 314 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Bills Ordered Printed in Journal.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 417,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form, but printed in the Journal.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 415,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form, but in the Journal only.

WIRTZ, Chairman.

THIRTY-SEVENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas, March 5, 1925.
The Senate was called to order by
Lieutenant Governor Miller.

Senate Bill No. 106.

Action recurred on the pending business from yesterday, S. B. No. 106, the question being on the pending amendment by Senator Wood, the same being a substitute for the bill.

After discussion, Senator Stuart moved that the bill be laid on the table, subject to call. The motion was lost.

Senator Stuart moved that the bill, a special order, be postponed and made a special order for 2 o'clock today.

The motion was adopted, by the following vote:

Yeas—22.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Smith.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Wirtz.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parr.	Woodward.

Nays—7.

Bledsoe.	Russek.
Davis.	Strong.
Moore of Cooke.	Ward.
Parnell.	

Present—Not Voting.

Bailey.

Absent.

Miller.

Refuse to Adjourn.

Senator Fairchild asked unanimous consent to take up a House Bill, but there was objection, and Senator Fairchild moved that the Senate adjourn until 5 minutes to 10 o'clock today.

The motion was lost.

Senate Bill No. 321.

Senator Holbrook called up S. B. No. 321 and moved that the Senate concur in the House amendments to the bill.

The motion to concur in the House amendments was adopted, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Nays—1.

Fairchild.

Absent.

Miller.

Bills and Resolutions.

(By Unanimous Consent.)

By Senator Holbrook:

S. B. No. 425. A bill to be entitled "An Act creating and establishing Sweeny Independent School District in Brazoria County, Texas, defining and describing it by metes and bounds, providing for election of trustees thereof, providing for it to assume the outstanding indebtedness of Sweeny Independent School District as heretofore created, vesting in it the title to all school property situated therein, providing for the government thereof as under the General Laws applicable to towns and villages incorporated for free school purposes only, providing for the extension of boundaries thereof, validating outstanding schoolhouse bonds and tax levies and assessments, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Wood:

S. B. No. 426. A bill to be entitled "An Act to create a more efficient road system for Travis County, Texas, and making the county commissioners of said county, road commissioners, and prescribing their duties as such, and providing for their compensation as county commissioners, and for the performance of all their duties and annual salary payable monthly; providing for the holding of a monthly